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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 CR 379 (PKC)
Telephone Conference

5 JUAN ANTONIO HERNANDEZ ALVARADO,

6 Defendant.

7 -----x

8 New York, N.Y.
9 April 15, 2020
2:00 p.m.

10 Before:

11 HON. P. KEVIN CASTEL,

12 District Judge

13
14 APPEARANCES

15 GEOFFREY S. BERMAN

16 United States Attorney for the
Southern District of New York

17 JASON A. RICHMAN

Assistant United States Attorney

18 MILBANK

Attorneys for Defendant

19 BY: ANTONIA M. APPS

KINGDAR PRUSSIEN

20 PETER BRILL

21 Attorney for Defendant

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1 (The Court and all parties appearing telephonically)

2 THE COURT: All right. Thank you all very much. This
3 is not going to take very long.

4 Appearing for the government is?

5 MR. RICHMAN: Jason Richman for the government. Your
6 Honor, good afternoon. Hope you're well.

7 THE COURT: All right. Thank you.

8 Outgoing counsel for Mr. Hernandez?

9 MS. APPS: Yes. Antonia Apps and Kingdar Prussien
10 from Milbank as the outgoing counsel.

11 Good afternoon, your Honor.

12 THE COURT: And incoming counsel?

13 MR. BRILL: Peter Brill, your Honor.

14 THE COURT: Good afternoon. First of all, I hope
15 everybody is safe and healthy and weathering this storm
16 reasonably well.

17 We're doing fine at the courthouse and fine as can be
18 expected. I think we're doing all right.

19 MS. APPS: That's good to hear.

20 THE COURT: Yes. Well, thank you.

21 So we have a problem, obviously, in getting a hold of
22 Mr. Hernandez. Mr. Hernandez really has nothing left in this
23 proceeding other than sentencing, and it seems to me that,
24 unless there is an objection, what I would do is put this over,
25 put this proceeding over, on the substitution of counsel until

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1 June 29 at 11 a.m., which --

2 MR. BRILL: Judge, sorry to interrupt you. I don't
3 know if you're aware of this, we were able to get him on the
4 phone this morning at 8:30.

5 THE COURT: No. The last word I had, Mr. Brill, is
6 the letter you filed last night.

7 MR. BRILL: Got you. I apologize.

8 MS. APPS: Yes. Judge, I mean, we submitted that
9 letter, obviously, in accordance with your instructions by
10 noon. But late yesterday evening, I received a call that they
11 could do a conference with us at 8:30 this morning.

12 So we held that conference with Mr. Hernandez.
13 Mr. Brill was on the line, I was on the line. And, again,
14 Mr. Brill, I don't mean to take this over. We spoke with him
15 about the substitution, and he has waived appearance for today
16 and will agree to substitution.

17 THE COURT: He is waiving appearance at this
18 proceeding today, that's number one; is that correct, Ms. Apps?

19 MS. APPS: Yes.

20 THE COURT: OK.

21 MS. APPS: Mr. Brill was on the line with me too, so
22 he can confirm.

23 THE COURT: All right. Correct, Mr. Brill?

24 MR. BRILL: Yes, your Honor.

25 THE COURT: Was there an interpreter on the call?

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1 MS. APPS: Yes.

2 THE COURT: All right. With regard to the
3 substitution of Mr. Brill in the place and stead of outgoing
4 counsel, what was Mr. Hernandez's position?

5 MR. BRILL: He understood the situation, it was fully
6 explained to him by Ms. Apps and then by myself, and he
7 consents to substitution.

8 THE COURT: All right. The docket will reflect that
9 the application of Ms. Apps and Mr. Prussien to withdraw as
10 counsel for Mr. Hernandez is granted and Mr. Brill is
11 appointed, pursuant to the Criminal Justice Act, as counsel for
12 Mr. Hernandez.

13 Mr. Brill, I guess for starters, I would ask the
14 question: June 29 is a ways off. Would that be a convenient
15 date for the sentencing of Mr. Hernandez?

16 MR. BRILL: Let me see if we are able to have
17 significant contact with him sometime, you know, early mid May,
18 late May, then I would say we should be OK. If this thing gets
19 extended, I'm sure I will be asking for more time.

20 THE COURT: That's absolutely understandable and that
21 sounds fine.

22 Sentencing in this case is set for June 29 at 11 a.m.

23 Mr. Richman, you'll arrange for the defendant's
24 production?

25 MR. RICHMAN: Of course, your Honor. Thank you.

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1 THE COURT: Of course, if the situation is such that
2 we're not up and running or that it is not safe to produce
3 Mr. Hernandez or Mr. Brill hasn't been able to meaningfully
4 communicate with him, then we'll have to make some adjustment
5 in the schedule.

6 Does that work for everybody?

7 MR. BRILL: Yes, your Honor.

8 THE COURT: OK.

9 MR. RICHMAN: That works for the government, Judge.
10 Thank you very much.

11 THE COURT: All right. Anything else?

12 MR. RICHMAN: Not from the government, your Honor.

13 THE COURT: All right. Well, thank you all very much,
14 and my sincere good wishes to you and to your families.

15 (Adjourned)